

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF CONNECTICUT**

LUCILLE RUBIN,	:	
Plaintiff,	:	
	:	
-vs-	:	Civ. No. 3:00cv1657 (PCD)
	:	
T. DONALD HIRSCHFELD,	:	
HIRSCHFELD MANAGEMENT, INC.,	:	
and GINETTE S. OWINGS,	:	
Defendants.	:	

**RULING ON PLAINTIFF’S MOTION FOR ORDER COMPELLING DISCOVERY**

Plaintiff moves to compel discovery with respect to certain documents withheld by defendants.

The motion is granted in part.

**I. BACKGROUND**

On October 16, 2001, defendants’ motion for a protective order to prevent the deposition of defendant T. Donald Hirschfeld (“Hirschfeld”) was denied. Plaintiff now moves to compel Hirschfeld to produce the following documents: his complete state and federal tax returns for 1999 and 2000; applications for licenses, passports and insurance; bank statements and loan applications; household expense and credit card statements; vehicle registrations and records of or applications for club memberships; corporate filings; professional licenses; copies of bonds or notes for which Hirschfeld is a guarantor; and handwritten notes taken by Hirschfeld during his deposition. Defendants refused to produce the contested documents on the grounds that they produced sufficient evidence to establish a lack of diversity of citizenship, rendering further production duplicative, and that discovery on the substantive claims before a decision on its motion for judgment on the pleadings contesting subject

matter jurisdiction is inappropriate.

## II. DISCUSSION

Defendants' refusal to produce the requested documents rests largely on their own determination that they have satisfactorily established the citizenship of the parties and that further production would be duplicative. Plaintiff responds that defendants' domicile is determined by the "totality of the evidence," *Hicks v. Brophy*, 839 F. Supp. 948, 951 (D. Conn. 1993), not simply a given address, thus the documents sought are required to determine domicile and to respond to defendants' motion for judgment on the pleadings.

"[T]he scope of discovery under FED. R. CIV. P. 26(b) is very broad, 'encompass[ing] any matter that bears on, or that reasonably could lead to other matter that could bear on, any issue that is or may be in the case.'" *Maresco v. Evans Chemetics, Div. of W.R. Grace & Co.*, 964 F.2d 106, 114 (2d Cir. 1992) (quoting *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351, 98 S. Ct. 2380, 2389, 57 L. Ed. 2d 253 (1978)). "Parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party . . . . Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence." FED. R. CIV. P. 26(b)(1). The scope of discovery, however, is not without bounds, and limitations are imposed where the discovery is "unreasonably cumulative or duplicative," overly "burdensome . . . [or] expensive" or "the burden or expense of the proposed discovery outweighs its likely benefit." FED. R. CIV. P. 26(b)(2). An order compelling discovery is rendered after consideration of the arguments of the parties, and such order may be tailored to the circumstances of the case. *Gile v. United Airlines, Inc.*, 95 F.3d 492, 496 (7th Cir. 1996).

Defendants have not established that production of the documents sought by plaintiff would be unreasonably duplicative or burdensome. The applications for licenses and passports are a close call; however, the applications reasonably contain information, such as a mailing address, that differs from the address printed in the final document. The applications could thus produce relevant information not found on the license or passport. The remaining documentary evidence sought is relevant and shall be produced, with one exception. There is no showing that the notes taken by Hirschfeld during his deposition are relevant, nor that the same information could not be derived from questions posed to Hirschfeld during his deposition. *See* FED. R. CIV. P. 26(b)(3).

Defendants also claim that discovery should be limited to matters pertaining to subject matter jurisdiction. Although discovery properly may be limited to jurisdictional matters, there is no requirement that it be so limited. The decisions cited to by defendants are indicative of the “wide discretion [enjoyed] in [the] handling of pre-trial discovery.” *Cruden v. Bank of N.Y.*, 957 F.2d 961, 972 (2d Cir. 1992). As the cases alluded to by defendants illustrate, the scope of discovery is defined by order of the court. No order limiting discovery has entered in this case.

### III. CONCLUSION

Plaintiff's motion for order compelling discovery (Doc. 44) is **granted in part**. All documents sought by plaintiff shall be produced by November 7, 2001, with the exception of the notes taken by Hirschfeld at his deposition.

SO ORDERED.

Dated at New Haven, Connecticut, October \_\_\_\_, 2001.

---

Peter C. Dorsey  
Senior United States District Court Judge